

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ASHLEY IMMING,

Plaintiff,

v.

No. 2:23-cv-0378 GJF/DLM

OSVALDO DE LA VEGA,
MESILLA CAPITAL INVESTMENTS, LLC,
SOUTHWEST HEALTH SERVICES, P.A., and
MESILLA CAPITAL INVESTMENTS
DE MEXICO, S. DE. R.I.,

Defendants.

**ORDER DENYING DEFENDANT’S MOTION FOR AUTHORIZATION TO BRING
CELL PHONE IN COURTROOM**

THIS MATTER is before the Court on Defendant De La Vega’s motion seeking to bring his cell phone into the courtroom for the scheduled show cause hearing on January 6, 2025. (Doc. 215.) De La Vega claims that his status as a practicing physician, and unspecified reasons related to his schedule, are sufficient to allow him to bring his cell phone into the show cause hearing. (*Id.*) The Court disagrees.

Under D.N.M. LR-Civ. 83.1, cell phones are generally prohibited from courtrooms unless authorized by court order. *See* LR 83.1(a) & (c)(7). Although the Court previously allowed De La Vega to bring his cell phone to the December 2, 2024 settlement conference, (Doc. 197), that allowance was for the narrow purpose of De La Vega potentially communicating with his financial advisor regarding proposed settlements. Further, the settlement conference was expected to last an entire day, which made it necessary for De La Vega to have a way to communicate with his office in case of an emergency. Here, none of those issues are present. Further, granting this motion would, in essence, have the Court treating litigants differently

based on vocational status. The Court will not grant special status to litigants based on vocational or socioeconomic factors. Accordingly, the Court **DENIES** Defendant's motion.

IT IS SO ORDERED.



DAMIAN L. MARTINEZ
U.S. MAGISTRATE JUDGE